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**Court Grants Preliminary Injunction to Protect First Amendment Rights**  
***Blocks Provisions of Statute Based on Irreparable Harm of Censorship***

ANCHORAGE, AK, October 21, 2010 — The Federal District Court in Anchorage has granted a Preliminary Injunction requested by Alaska booksellers, libraries, and other First Amendment and media organizations. Chief U.S. District Judge Ralph Beistline's ruling blocks portions of recently passed Senate Bill 222, which could have made anyone who operates a website criminally liable for posting material deemed “harmful to minors,” and would have banned from the Internet information that adults and older minors have a First Amendment right to view. Booksellers, video retailers, and librarians could have been prosecuted for material they sold, rented or loaned both online and in stores.

The Court agreed with attorneys for the plaintiffs that the “‘danger of this statute is . . . one of self-censorship.’” The Constitution protects speech on topics including contraception and pregnancy, sexual health, literature, and art. Contrary to the state’s assertions, the Court specifically found that “other statutes . . . are available for prosecution of predators via the internet” which do not infringe on First Amendment rights.

Michael Bamberger of SNR Denton, lead attorney for the plaintiffs, stated: “We are very pleased that the Judge recognized the clear violation of the First Amendment rights of all citizens, in Alaska and throughout the country, posed by this overbroad statute. Plaintiffs agree with the Court that other state laws already address the important interest in protecting children, and have suggested improvements that could provide greater protection without violating constitutional rights.”

Plaintiffs include Fireside Books, Title Wave Books, Bosco’s, and Don Douglas Photography, as well as the Alaska Library Association, American Booksellers Foundation for Free Expression, ACLU of Alaska, Association of American Publishers, Comic Book Legal Defense Fund, Entertainment Merchants Association, and Freedom to Read Foundation.

Attorneys for the Plaintiffs are Michael A. Bamberger, and Devereux Chatillon, of the New York office of SNR Denton; D. John McKay; and Tom Stenson, ACLU of Alaska Foundation.

SB 222, enacting Section 11.61.128 of the Alaska Statutes, was signed in May by Governor Parnell. The Preliminary Injunction and briefing papers in the matter, *American Booksellers Foundation for Free Expression, et al. v Sullivan, and Alaska*, 3:10-cv-0193-RRB, can be read online at [www.akclu.org](http://www.akclu.org).

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